

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

MICHAEL W. ZOELLE, D.C.,
RESPONDENT.

FINAL DECISION AND ORDER

ORDER0000012

[Division of Enforcement Case # 07 CHI 026]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Michael W. Zoelle, D.C.
2420 Finger Road
Green Bay, WI 54302

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Chiropractic Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Chiropractic Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Michael W. Zoelle, D.C., Respondent, date of birth November 20, 1961, is licensed by the Wisconsin Chiropractic Examining Board to practice chiropractic in the state of Wisconsin pursuant to license number 2216, which was first granted January 7, 1987.
2. Respondent's last address reported to the Department of Regulation and Licensing is 2420 Finger Road, Green Bay, WI 54302.
3. Respondent practices chiropractic at the Chiropractic Wellness Center in Green Bay, Wisconsin.

4. Respondent provided Ms. A with chiropractic services for neck and back pain intermittently from December 1999 until May 2006. He provided the following number of treatment sessions in more recent years:

- 4 sessions in 2003
- 7 sessions in 2004
- 18 sessions in 2005
- 3 sessions in 2006 (March 29, May 1 and 30)

5. In early June 2006, Respondent spoke with Ms. A at a fitness center and hired her to paint his living room. Respondent and Ms. A became friends and began a personal relationship.

6. On July 7, 2006, Ms. A came to Respondent's office for treatment. Respondent informed her that he could no longer see her professionally and bill for his services because it had become apparent that their personal relationship may continue beyond just friendship. Respondent and Ms. A agreed to terminate the professional relationship.

7. Respondent mistakenly believed that there would be no further professional relationship with Ms. A, if he did not bill for his services and did not keep records of her treatment. He mistakenly believed that if he provided chiropractic services to her in those circumstances Ms. A would not be his "patient" and a sexual relationship would not be prohibited by the Board's rules.

8. Respondent and Ms. A began dating and beginning in early August 2006 their relationship became sexual. After they began their sexual relationship, Respondent provided occasional chiropractic care to Ms. A outside of his chiropractic office and no longer charged for or kept records of her treatment.

9. At the recommendation of the Division of Enforcement, Respondent has voluntarily taken and completed *Professional Boundaries and Chiropractic Practice*, a 6 hour continuing education program offered through the Texas Chiropractic College. The Federation of Chiropractic Licensing Boards includes this course on its list of resources for chiropractic regulatory boards.

CONCLUSIONS OF LAW

1. The Wisconsin Chiropractic Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 446.03 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in sexual contact with Ms. A while she was his patient as set out above, has committed unprofessional conduct as defined by Wis. Admin. Code § CHIR 6.02(7) and is subject to discipline pursuant to Wis. Stat. § 446.03(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Michael W. Zoelle, D.C., is hereby REPRIMANDED for the above conduct.
2. Because Respondent has already completed the continuing education course in chiropractic professional boundaries, set out in Finding of Fact 9, no further education is required or ordered.
3. Respondent shall, within 120 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$750.00 pursuant to Wis. Stat. § 440.22(2).
4. Requests for approval, notification of completion of educational programs and payment shall be faxed, mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817
5. In the event that Respondent fails to pay costs as ordered, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.
6. This Order is effective on the date of its signing.

Wisconsin Chiropractic Examining Board

By: _____

A Member of the Board

1/28/10

Date

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